

REMARKS

The Office Action dated June 13, 2007 has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 1-4, 6, 8, 9, 12, 14-19, 21, and 23-31, are amended, claims 7 and 22 are cancelled without disclaimer or prejudice, and new claims 32-39 are added. Applicants are grateful for the indication that claims 7-13 and 22-28 would be allowable if rewritten into independent form. Accordingly, claim 1 is amended to incorporate the subject matter of claim 7 and claim 17 is amended to incorporate the subject matter of claim 22. Further, support for new claims 33, 35, 38 and 39 is found in claim 17 and support for new claims 34, 36, 37 is found in claims 20, 29, and 30 respectively. Thus, no new matter is added. Claims 1-6, 8-21 and 23-39 are respectfully submitted for consideration.

The Office Action objected to claims 17, 18, 21 and 23-31 because of informalities. Specifically, the Office Action objected to the use of the term “adapted”, which appears to make the recited elements optional. Claims 17, 18, 21 and 23-31 are amended to replace “adapted” with “configured to”. Further, Applicants respectfully submit that the limitations following “configured to” recite positive steps. Accordingly, withdrawal of the objection to the claims is respectfully requested.

The Office Action rejected claims 1, 2, 4-6, 14-18, 20, 21 and 29-31 under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,275,470 to Ricciulli (Ricciulli).

Applicants respectfully submit that Ricciulli fails to disclose or suggest all of the features recited in any of the pending claims.

Claim 1, from which claims 2-6 and 8-16 is directed to a method for configuring connections between a plurality of network nodes, wherein each pair of network nodes is connected via virtual direct connections. Quality measurements of the virtual direct connections are performed between each pair of the network nodes. The method further includes deciding, based on the results of the quality measurements, whether a virtual direct connection is to be used for conveying data or not. The results of the quality measurements are transmitted to a network configuration control element which performs the deciding. The quality measurements includes a measurement of a data loss rate on a virtual direct connection between two network nodes.

Claim 17, from which claims 18-21 and 23-31 depend, is directed to a network system that includes a plurality of network nodes and a network configuration control element, wherein each pair of network nodes is connected via virtual direct connections. The network nodes are configured to perform quality measurements of the virtual direct connections and to send results of the quality measurements to the network configuration control element. The network configuration control element is configured to decide, based on the results of the quality measurements, whether a virtual direct connection is to be used for conveying data or not. The quality measurements comprise a measurement of a data loss rate on a virtual direct connection between two network nodes.

Applicants respectfully submit that each of the above claims recites feature that are neither disclosed nor suggested in any of the cited references.

Ricciulli is directed to discovering and utilizing an optimized network path through overlay routing for the transmission of data. A determination whether to use a default network path or to instead use an alternate data forwarding path through one or more overlay nodes is based on real-time measurement of costs associated with the alternative paths, in response to a user request for transmission of message data to a destination on the network. Cost metrics include delay, throughput, jitter, loss, and security. The system chooses the best path among the default forwarding path and the multiple alternate forwarding paths, and implements appropriate control actions to force data transmission along the chosen path. However, as admitted in the Office Action, Ricciulli fails to disclose or suggest at least the feature of “wherein the quality measurements comprise a measurement of a data loss rate on a virtual direct connection between two network nodes” as recited in claims 1 and 17. As stated above, this feature, which was recited in now cancelled claims 7 and 22, is incorporated into claims 1 and 17.

Applicants further submit that because claims 2, 4-6, 14-16, 18, 20, 21 and 29-31 depend from claims 1 and 17, these claims are allowable at least for the same reasons as claims 1 and 17, as well as for the additional features recited in these dependent claims.

Based at least on the above, Applicants respectfully submit that Ricciulli fails to disclose or suggest all of the features recited in claims 1, 2, 4-6, 14-18, 20, 21 and 29-31.

Accordingly, withdrawal of the rejection under 35 U.S.C. 102(e) is respectfully requested.

The Office Action rejected claims 3 and 19 under 35 U.S.C. 103(a) as being obvious over Ricciulli, in view of the publication entitled “IPv6 Tunnel Broker” to Durand et al. (Durand). Applicants respectfully submit that the cited references taken individually or in combination, fail to disclose or suggest all of the features recited in any of the pending claims.

Applicants respectfully submit that because claims 3 and 19 depend from claims 1 and 17, these claims are allowable at least for the same reasons as claims 1 and 17 because Durand fails to cure the deficiencies of Ricciulli. Accordingly, withdrawal of the rejection under 35 U.S.C. 103(a) is respectfully requested.

As stated above, new claims 32-39 are added and supported. Applicants respectfully submit that each of claims 32-39 recites features that are neither disclosed nor suggested in any of the cited references.

Applicants respectfully submit that each of claims 1-6, 8-21, and 23-39 recites features that are neither disclosed nor suggested in any of the cited references. Accordingly, it is respectfully requested that each of claims 1-6, 8-21 and 23-39 be allowed, and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by

telephone, the applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



David E. Brown
Registration No. 51,091

Customer No. 32294
SQUIRE, SANDERS & DEMPSEY LLP
14TH Floor
8000 Towers Crescent Drive
Tysons Corner, Virginia 22182-2700
Telephone: 703-720-7800; Fax: 703-720-7802

DEB:jkm:dc

Enclosures: Additional Claim Fee Transmittal
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